

UNIVERSITY OF
TORONTO
FACULTY OF LAW

LAW AND THE HOLOCAUST

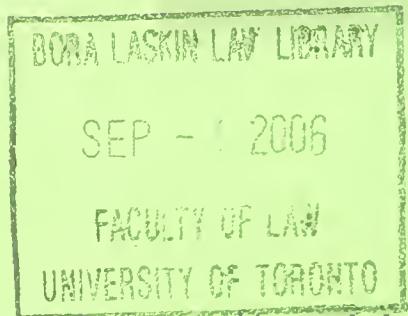
**Course Materials
FALL 2006**

Instructor: Ms Kristen Rundle

**Faculty of Law
University of Toronto**

***** These materials are for the sole use of students at the
Faculty of Law, University of Toronto**

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto



https://archive.org/details/lawholocaustcour00rund_0

LAW AND THE HOLOCAUST

COURSE MATERIALS FALL 2006

Introduction / Anti-Semitism (Class 1)		Page No.
1.	Adolf Hitler , <i>Mein Kampf</i> (English translation by Ralph Manheim), (Riverside Press, 1943), pp. 56-65, 300-308.	1
2.	Saul Friedlander , "From Anti-Semitism to Extermination: An Historiographical Study of Nazi Policies Toward the Jews and an Essay in Interpretations", 16 <i>Yad Vashem Studies</i> 1 (1984).	11
Holocaust and Modernity: Introduction to Major Themes of the Course (Class 2)		Page No.
1.	Emmanuel Levinas , "Reflections on the Philosophy of Hitlerism", 17 <i>Critical Inquiry</i> 63 (1990).	37
2.	Omer Bartov , "Intellectuals on Auschwitz: Memory, History and Truth", 5 (1) <i>History & Memory</i> 60 (1993).	42
3.	Zygmunt Bauman , "The Uniqueness and Normality of the Holocaust" in <i>Modernity and the Holocaust</i> (Polity Press, 1989), pp. 83-116.	64
Collapse of the Weimar Republic / Hitler's Rise to Power (Class 3)		Page No.
1.	<i>Extracts from the Weimar Constitution of August 1919.</i>	82
2.	<i>Decree of the Reich President for the Protection of People and State</i> , 28 February 1933.	83
3.	<i>Enabling Law</i> , 24 March 1933.	84
4.	David Dyzenhaus , "Legal Theory in the Collapse of Weimar: Contemporary Lessons?" 91 (1) <i>The American Political Science Review</i> 121 (1997).	85

The Racial State – Nazi Eugenics (Class 4) Page No.

		Page No.
1.	<i>Adolf Hitler, Mein Kampf (English translation by Ralph Manheim)</i> , (Riverside Press, 1943), pp. 284-289.	99
2.	<i>Law for the Protection of Hereditarily Diseased Offspring</i> , 1933.	102
3.	<i>Hitler's Speech, National Socialist Women's Section</i> , 8 September 1934.	103
4.	<i>Law for the Reduction of Unemployment</i> , 1 June 1933.	104
5.	<i>SS Marriage Order</i> , 31 December 1931.	105
6.	Robert Proctor , "Nazi Doctors, Racial Medicine, and Human Experimentation" in Annas & Grobin (eds.), <i>The Nazi Doctors and The Nuremberg Code – Human Rights and Human Experimentation</i> , (OUP, 1992), pp. 17-31.	106
7.	Arthur L. Caplan (ed.), 'Science and Medicine in Nazi Germany', Appendix to "How Did Medicine Go So Wrong?" in <i>When Medicine Went Mad: Bioethics and The Holocaust</i> , (Humana Press, 1992), pp. 80-92.	114
8.	<i>The Nuremberg Code</i> .	121
9.	Jay Katz , "Human Sacrifice and Human Experimentation: Reflections at Nuremberg", 22 <i>Yale Journal of International Law</i> 401 (1997).	122

The Racial State – The Nuremberg Laws (Class 5) Page No.

1.	<i>Law for the Restoration of the Professional Civil Service</i> , 7 April 1933.	140
2.	<i>Reich Citizenship Law</i> , 15 September 1935.	142
3.	<i>Law for the Protection of German Blood and Honor</i> , 15 September 1935.	143
4.	Raul Hilberg , Table of Canonical and Nazi Anti-Jewish Measures, extracted from "The Destruction of the European Jews" in Omer Bartov (ed.), <i>The Holocaust: Origins, Implementation, Aftermath: Rewriting Histories</i> , (Routledge, 2000), pp. 28-29.	145
5.	<i>First Supplementary Decree of the Reich Citizenship Law</i> , 14 November 1935.	146
6.	<i>Marriage Regulation</i> , December 1935	147

7.	Michael Stolleis , "Community and National Community (Volksgemeinschaft): Reflections on Legal Terminology under National Socialism", Chapter 4 in <i>The Law Under the Swastika</i> , (University of Chicago Press, 1998), pp. 64-83.	148
8.	Ingo Muller , "Protecting the Race", Chapter 12 in <i>Hitler's Justice</i> , (Harvard University Press, 1991), pp. 90-119.	158

Vichy France and others (Class 6)		Page No.
1.	<i>Extracts from Vichy legislation and legal opinion, 1940-1941.</i>	173
2.	David Fraser , 'The Fragility of Law: Anti-Jewish Decrees, Constitutional Patriotism and Collaboration in Belgium 1940-1944', (2003) 14 <i>Law and Critique</i> 253	176
3.	Vivian Grosswald Curran , "Racism's Past and Law's Future", (2003) 28 <i>Vermont Law Review</i> 683	199

'Legal Memory': The Nazi Era in Mainstream Legal Philosophy (Class 7)		Page No.
1.	David Fraser , "The Outsider Does Not See All The Game" in Christian Joerges and Navraj Singh Ghaleigh (eds.), <i>Darker Legacies of Law in Europe: The Shadow of National Socialism and Fascism over Europe and its Traditions</i> , (Hart Publishing, 2003).	229
2.	H. L. A. Hart , "Positivism and the Separation of Law and Morals", 71 (4) <i>Harvard Law Review</i> 593 (extracts).	242
3.	Lon L. Fuller , "Positivism and Fidelity to Law – A Reply to Professor Hart", 71 (4) <i>Harvard Law Review</i> 630 (extracts).	250

Lawyers and Judges (Class 8)		Page No.
1.	"Nazis in the Courtroom: Lessons from the Conduct of Lawyers and Judges Under the Laws of the Third Reich and Vichy, France", Symposium in 61 (4) <i>Brooklyn Law Review</i> 1121 (1995).	264
2.	David A. J. Richards , "Terror and the Law", 5 <i>Human Rights Quarterly</i> 171 (1983), pp. 181-185.	308

Morality and bureaucracy (Class 9)		Page No.
1.	David Luban, Alan Strudler and David Wasserman , "Moral Responsibility in the Age of Bureaucracy", 90 <i>Michigan Law Review</i> 2348 (1990).	313
2.	Hannah Arendt , <i>Eichmann in Jerusalem</i> , (Penguin Books, 1964 Revised ed.), pp. 287-290.	342

From Legality to Terror (Class 10)		Page No.
1.	<i>Decree Governing the Payment of a Fine by Jews of German Nationality</i> , 12	345

November 1938.

2.	<i>Decree for the Restoration of the Street Scene in Relation to Jewish Business Premises</i> , 12 November 1938.	346
3.	<i>Hitler's Speech to the Reichstag</i> , 30 September 1939.	347
4.	<i>The Madagascar Plan</i> , April 1940-September 1941.	348
5.	<i>Invitation from Heydrich to the Wannsee Conference</i> , 29 November 1941 and <i>Minutes of the Wannsee Conference (prepared by A. Eichmann)</i> , 20 January 1942.	350
6.	<i>Memorandum re: Resettlement of Warsaw Ghetto Occupants</i> , July 1942.	356